

JUN 15 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael R. Krause et al.

Examiner: Sean M. Reilly

Serial No.: 09/980,759

Group Art Unit: 2153

Filed: April 11, 2002

Docket No.: 10002164-2

Title: RELIABLE DATAGRAM TRANSPORT SERVICE

AFFIDAVIT IN RESPONSE TO 37 C.F.R. § 1.105-REQUEST FOR INFORMATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Michael R. Krause, declare as follows:

1. I am a named inventor of the subject matter described and claimed in the above-identified U.S. Patent Application Serial No. 09/980,759 with a filing date of April 11, 2002, which is a national stage application from International Application PCT/US00/14222 filed on May 24, 2000, which claims priority to U.S. Provisional Patent Applications 60/135,664 filed May 24, 1999 and 60/154,150, filed September 15, 1999.

2. The Office Action mailed on February 24, 2006 has been read and understood and that I make this Declaration in support of the patentability of the claims of U.S. Patent Application Serial No. 09/980,759.

3. I, Michael R. Krause, am a HP Fellow Engineer at Hewlett-Packard Company. I began my employment at Hewlett-Packard Company on or about July 8, 1985.

4. This Declaration under 37 C.F.R. § 1.105 is made in response to the Examiner's request that the Applicant and Assignee of this application are required to provide information that the Examiner has determined is reasonably necessary to the examination of this application. The Examiner specifically requested the following: the Future IO Specification Published May 3, 1999; any other Future IO specification documents that published prior to Applicants' priority date; and identify the sections of the published IO specification of particular relevance to Applicant's claimed invention.

Affidavit in Response to 37 C.F.R. § 1.105-Request for Information

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5. Exhibit A is Future IO Specification Table 1 Revision History. As indicated in Table 1, the following are releases of the Future IO specification prior to the Present Application priority date of May 24, 1999. Revision 0.00 was released on May 3, 1999. Revision 0.00a was released on May 6, 1999. Revision 0.01 was released on May 21, 1999.

6. The Future IO Specification Revisions 0.00, 0.00a, and 0.01 were released on the respective dates as non-public documents. These releases were not public and were only provided to authors of the Future IO specification.

7. Therefore, there were no public releases or publications of the Future IO specification prior to the Present Application priority date of May 24, 1999.

8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

Michael R. Krause
Michael R. Krause

5/26/2006
Date

Future IO Specification

September 14, 1999

Table 1 Revision History

Revision	Release Date	
0.05	9/14/99	new LEMA and SW Verbs chapters
0.04	9/7/99	new fill, SW Transport Interface, management and Acknowledgments chapters
0.03	9/1/99	Reflects changes from Denver 8/27/99 meeting - New Chapters on the Boot process and the Autonomous Protocol. - Edits in several other chapters. - An appendix with implementation details for QOS hardware.
0.02	5/25/99	Released to Participant Companies
0.01	5/21/99	Significant changes from 0.00a based on 5/12-5/14 meetings
0.00a	5/6/99	No technical changes. Added Cisco to the promoter list and rebuilt the .pdf files to fix a bookmark problem.
0.00	5/3/99	Initial Release.

EXHIBIT
A

This document is available on the web at:

- <http://www2.futureio.org/participants/specification/LD990914.pdf>

Portions of this specification include explanatory comments about why the architecture is designed the way it is. These comments are marked like this paragraph. Implementation comments are marked similarly.